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Dated: March 25, 2008

Signature: /Christina M. Sperry/
(Christina M. Sperry, Reg. No. 47,106)

Docket No.: 101896-240
(DEP5278)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul Birkmeyer et al.

Application No.: 10/708,721

Confirmation No.: 2720

Filed: March 19, 2004

Art Unit: 3733

For: SPINAL FIXATION ELEMENT AND
METHODS

Examiner: J. L. Swiger

RESPONSE TO NON-FINAL ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This paper is filed in response to the Office Action dated February 26, 2008.

Remarks/Arguments begin on page 2 of this paper.

A copy of the **Pending Claims** is attached hereto. No claim amendments are made.